

REMARKS

This communication is in response to the Office Action mailed on October 18, 2007. In the Action, claims 1-56 were pending and all the pending claims were rejected. Applicants submit that by this response, all of the pending claims are in condition for Allowance and a Notice to that effect is respectfully requested.

On March 20, 2008, the undersigned attorney interviewed the Examiner regarding proposed amendments to the independent claims of this application. Observing the interview was Kenneth Brandt from the undersigned attorney's office. The language used in the independent claims was discussed in particular with respect to use of the language "directly related" and the prior art of *Dantzig et al.* No agreement was reached during the course of the interview. The undersigned attorney thanks the Examiner for the courtesy of granting the interview.

As discussed in the interview, claims 1-56 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Office Action, on page 2, asserts that the recitation in the independent claims 1, 12, 23, and 52 of the phrase "directly related" is "vague and may be misdescriptive". The Office Action also asserts that it would not "be immediately clear" that attributes are "'directly related' in any sense not necessarily disclosed by *Dantzig et al.*" Applicants respectfully traverse the rejection.

Beginning on page 28 of the Specification, the Applicants provide specific disclosure of controls with

attributes that one of ordinary skill in the art will recognize as being "directly related" to visual rendering and at least one of recognition and audibly prompting. For example, at page 28, line 31, the Specification describes "server side controls (which include parameters for visual display such as location for rendering, font, foreground color, background color, etc.) are extended to include parameters or attributes for recognition and audibly prompting for related recognition." (Emphasis added.) Beginning on page 29, line 9, the Specification provides examples of parameters related to audible prompting. In addition, beginning at page 29, line 14, the Specification provides examples of parameters related to recognition. Thus, the Specification identifies controls that include parameters (or attributes) that are clearly directly related to visual rendering as well as recognition and audibly prompting for related recognition. While the Specification doesn't specifically use the phrase "directly related", it nonetheless explicitly identifies controls that include the attributes recited in each of the independent claims 1, 12, 23, and 52. Furthermore, claims 12, 23, and 52 have been amended to explicitly recite examples of the directly related attributes for visual rendering and/or one of recognition and audibly prompting to remove any doubt as to what directly related means.

On page 2, as related to the § 112 rejection, the Office Action further asserts that "nor would it be immediately clear to one having ordinary skill in the art that the attributes are 'directly related' in any sense not necessarily disclosed by *Dantzic et al.* [U.S. Patent 7,020,841, hereinafter "Dantzic"]." Applicants respectfully disagree with this rationale for the rejection under § 112, second paragraph. It does not appear that Office Action is even asserting that the Dantzic reference renders the use of the term 'directly related' indefinite in the

independent claims. Applicants respectfully point out that the Office Action has failed to provide any evidence that anything in the Dantzig reference defines the term 'directly related' in any way so as to cast any doubt as to the definiteness of the independent claims. Instead, the Office Action merely hints that Dantzig may teach attributes that are 'directly related'. The Applicants respectfully disagree with that assertion, as will be discussed in more detail below.

In view of the discussion above, the Applicants respectfully submit that the phrase 'directly related' is definite as required by § 112, second paragraph. The Applicants have provided evidence that the Specification identifies specific attributes that one skilled in the art would understand are 'directly related' as the phrase is recited in the independent claims. Furthermore, the Office Action provides no evidence from Dantzig that would render the phrase 'directly related' indefinite. Therefore, the Applicants respectfully submit that the pending claims particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Withdrawal of the rejection is respectfully requested.

Claims 1-2, 4-8, 12-13, 15-19, 23-24, 26-30 and 52 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Dantzig. Of these claims, 1, 12, 23, and 52 are independent claims. Each of the independent claims have been amended. In view of the amendments and remarks made herein, the Applicants respectfully submit that each of the claims rejected here under § 102(e) are in condition for allowance.

As amended, claims 1, 12, 23, and 52 each recite, either as instructions or as a method, a set of controls that are defined on an authoring page for a website and processed by a module to create client side markup for use by a client in a

client/server system. The controls are modality dependent. Claims 12, 23, and 52 recite first and second modality dependent controls, with the first set of controls being visual controls having attributes directly related to defining visual renderings on the client device. The second set of controls have attributes directly related at least one of recognition and audible prompting. In each of claims 12, 23, and 52, various attributes are recited to indicate with specificity the type of attributes that are included in the controls. In all of the independent claims, a module is recited that generates, using modality dependent attributes provided directly from the controls, client side markup for use by a client browser in a client/server arrangement. The exact claim language and scope varies in each of the independent claims, but each of these claims have these features recited. Thus, the authoring page creates and/or includes controls that have information related to the desired rendering and are modality dependent.

By contrast, the Dantzig reference teaches IML input files that, as the Applicants have pointed out previously, are modality independent. The Office Action argues that Dantzig generates modality dependent markup *at some point*. However, the independent claims recited in the present application indicate that modality dependent controls are provided to a module, which is configured to create client side markup directly attributes provided directly from the modality dependent controls. Dantzig fails to teach or suggest controls of the type recited in the independent claims. Instead, Dantzig teaches modality independent IML input files. In col. 7, Dantzig teaches that the IML files are parsed. The result of this parsing process is a plurality of "intermediate files". These files apparently are then mapped "to appropriate modality-specific representations using suitable transformation rules." In other words, Dantzig teaches that it is

necessary to apply "transformation rules" to convert the IML files to a modality-specific representation. The Applicants respectfully submit that this teaching indicates that Dantzig does not, in fact, provide modality dependent controls of the type recited in the independent claims.

The Office Action argues on page 12 that Dantzig eventually generates modality-dependent markup and that is all that is required to anticipate the independent claims. Applicants respectfully disagree. Each of the independent claims have recited features that identify instructions and or methods that create specific types of controls that are to be executed on a particular type of model to generate client side markup. Applicants agree that client side markup can be generated in a number of different ways. However, the independent claims recite specific ways to generate client side markup and Applicants submit that the features recited in claims 1, 12, 23 and 52 are not taught or suggested by Dantzig. Therefore, Applicants submit that these independent claims, are not anticipated by Dantzig. In addition, claims 2, 4-8, 13, 15-19, 24, and 26-30, all of which depend directly or indirectly from one of the independent claims listed above are believed to be allowable over Dantzig for at least the reason that they depend from allowable claims. Withdrawal of the rejection is respectfully requested.

Claims 3, 9-11, 14, 20-22, 25, 31-46, and 53-56 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dantzig in view of U.S. Pat. No. 6,269,336 of Ladd et al. (hereinafter "Ladd"). Each of these claims is dependent directly or indirectly on one of the independent claims 1, 12, 23, and 52, which as discussed above, are believed to be allowable. Applicants submit that each of these claims is thus allowable based at least upon their dependency on an allowable claim. Withdrawal of the rejection is respectfully requested.

Claims 47-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dantzig in view of Ladd and further in view of "WCW SpeechObjects Specification V1.0". Each of these claims is dependent directly or indirectly on independent claim 23, which as discussed above, is believed to be allowable. Applicants submit that each of these claims is thus allowable based at least upon their dependency on an allowable claim. Withdrawal of the rejection is respectfully requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

In view of the foregoing, applicants respectfully request reconsideration of the application as amended. Favorable action upon all claims is solicited.

Applicant hereby requests an extension of time to respond to the Office Action. An online charge authorization for the extension of time fee and extra claim charges is enclosed.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Steven M. Boehler, Reg. No. 36,188  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

SMK:dkm